

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

FLINT HILLS RESOURCES, LP,

Movant,

v.

MEMORANDUM OF LAW & ORDER

Misc. File No. 14-13 (MJD/FLN)

NICHOLAS J. RYBERG and
CAROLYN RYBERG nee Kelly,
as individuals,

Respondents.

Jeanette M. Bazis and Karl C. Procaccini, Greene Espel PLLP, Counsel for
Movant.

Nicholas J. Ryberg, pro se.

Carolyn Ryberg, pro se.

This matter is before the Court on Movant Flint Hills Resources, LP's
Unopposed Motion to Renew Judgment. [Docket No. 1]

Movant moves to renew the unsatisfied judgments against Respondents
Nicholas J. Ryberg and Carolyn Ryberg entered by the Court on March 17, 2004
and June 23, 2004 in Flint Hill Resources, LP v. Ryberg, Civil File No. 3-4507
(MJD/JGL) (D. Minn.).

“[P]roceedings supplementary to and in aid of judgment or execution [] must accord with the procedure of the state where the court is located.” Fed. R. Civ. P. 69(a)(1). Minnesota law provides that “a civil judgment survives for a period of ten years after entry of judgment.” Dahlin v. Kroening, 796 N.W.2d 503, 505 (Minn. 2011) (citing Minn. Stat. § 548.09, subd. 1). However, “an action on a judgment may be brought within ten years after the entry of a judgment resulting in a renewal of the judgment for an additional ten years.” Id. (citing Minn. Stat. § 541.04). “[A] party may bring an action to renew a judgment, provided that: (1) the action is commenced within ten years after entry of the original judgment; and, (2) the party complies with all requirements for commencing a civil action.” Shamrock Dev., Inc. v. Smith, 737 N.W.2d 372, 376 (Minn. Ct. App. 2007), rev’d on other grounds, 754 N.W.2d 377 (Minn. 2008); see also In re Dahl, Civil No. 09–1255 (DWF), 2009 WL 3164756, at *2 (D. Minn. Sept. 25, 2009).

In this case, the original judgments were entered on March 17, 2004 and June 23, 2004. The motion to renew judgment was filed on March 13, 2014, within the ten-year requirement. Additionally, the parties stipulated that this Court enjoys subject matter jurisdiction and personal jurisdiction over all parties

in this matter. (See Stip. for Order of J.) The Rybergs acknowledge that they have not yet fully satisfied their outstanding balance of \$873,373.57 to Flint Hills, and agree to the renewal sought by Flint Hills. (Id.) Finally, Movant properly served Respondents with a Motion for Renewed Judgment along with supporting documents on April 11, 2014. [Docket Nos. 9,10]

Accordingly, based upon the files, records, and proceedings herein, **IT IS**

HEREBY ORDERED:

Movant's Unopposed Motion to Renew Judgment [Docket No. 1] is **GRANTED** and the March 17, 2004 and June 23, 2004 judgments in Flint Hills Resources, LP v. Ryberg, Civil File No. 03-4507 (MJD/JGL) (D. Minn.) are **RENEWED** for an additional 10 years.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: June 6, 2014

Michael J. Davis

Michael J. Davis

Chief Judge

United States District Court